decreased temporarily for any of the months of September through January up to 20 percentage points by the Director of the Dairy Division if the Director finds such revision is necessary to obtain needed shipments or to prevent uneconomic shipments. For any of the months of February through August, a minimum shipping percentage of up to 20 percent may be established by the Director for all pool supply plants that are qualified as a pool plant pursuant to paragraph (b)(1) of this section. Before making such a finding the Director shall investigate the need for revision, either at the Director's initiative or at the request of interested persons. If the investigation shows that a revision might be appropriate, the Director shall issue a notice stating that revision is being considered and inviting data, views, and arguments. If a plant which would not otherwise qualify as a pool plant during the month qualifies as a pool plant because of a reduction in shipping requirements pursuant to this subparagraph, such plant shall be a nonpool plant for such month if the operator of the plant files a written request for nonpool plant status with the market administrator at the time the report is filed for such plant pursuant to § 1064.30,

* * * * *

2. In § 1064.13, paragraph (c) is revised to read as follows:

§ 1064.13 Producer milk.

* * * * *

(c) Diverted, subject to the following conditions, from a pool distributing plant to a pool supply plant or from a pool plant to a nonpool plant that is not a producer-handler plant. "Diverted milk" is milk normally received at a pool plant but which is moved directly from a dairy farm to a nonpool plant as specified in this paragraph or from a pool distributing plant to a pool supply plant for the account of a handler operating the pool distributing plant or a handler described in § 1064.9(b). Such milk shall be deemed to have been received by the diverting handler at the location of the pool plant from which diverted except that milk diverted to a plant located more than 125 miles by the shortest highway distance as determined by the market administrator from the nearest of the City Halls of Kansas City, Missouri, or Topeka, Kansas, shall be deemed to have been received at the location of the plant to which diverted in applying §§ 1064.52 and 1064.75:

(1) A handler described in § 1064.9(b) may divert for its account the milk of any member producer whose milk is received at a pool plant for at least 1 day's delivery during the month, without limit during the other days of the month. The total quantity of milk so diverted may not exceed the larger of the following amounts:

(i) The total quantity of its member producer milk received at all pool plants during the current month, or

(ii) The average daily quantity of its member producer milk received at pool plants during the previous month, multiplied by the number of days in the current month.

(2) A handler operating a pool plant may divert for his account the milk of any producer, other than a member of a cooperative association which has diverted milk pursuant to paragraph (c)(1) of this section, whose milk is received at the handler's pool plant for at least 1 day's delivery during the month, without limit during the other days of the month. However, the total quantity of milk so diverted may not exceed the larger of the following amounts:

(i) The total quantity of milk received at such plant during the current month from producers who are not members of a cooperative association that has diverted milk pursuant to paragraph (c)(1) of this section; or

(ii) The average daily quantity of milk received at such plant during the previous month from producers who are not members of a cooperative association that has diverted milk in the current month pursuant to paragraph (c)(1) of this section, multiplied by the number of days in the current month.

(3) Diversions in excess of the applicable percentages pursuant to paragraph (c)(1) and (2) of this section shall first be assigned to diversions to nonpool plants and any excess quantity assigned to nonpool plants shall not be producer milk and shall not be deemed to have been received by the diverting handler. The diverting handler shall specify the dairy farmers whose milk shall not be included as producer milk pursuant to this subparagraph. Excess diversions to a pool supply plant shall be producer milk at the supply plant in applying §§ 1064.7, 1064.52 and 1064.75.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Effective date: March 1, 1980.

Signed at Washington, D.C., on January 15, 1980.

Jerry Hill,

Deputy Assistant Secretary for Marketing Services.

[FR Doc. 80-1828 Filed 1-18-80; 8:45 am]

BILLING CODE 3410-02-M

FEDERAL RESERVE SYSTEM

12 CFR Part 226

[Reg Z; FC -0168 and -0169]

Truth in Lending; Official Staff Interpretations

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Official Staff Interpretations.

SUMMARY: The Board is publishing the following official staff interpretations of Regulation Z (Truth in Lending): FC–0168 regarding disclosure of proper period for minimum periodic payment in open end credit transactions, and FC–0169 regarding conditions under which certain charges may be included in the "cash price." The agency is taking this action in response to requests for interpretation of this regulation.

EFFECTIVE DATE: On or after February 20, 1980.

FOR FURTHER INFORMATION CONTACT: Maureen English, Section Chief, Division of Consumer Affairs, Board of Governors of the Federal Reserve System, Washington, D.C. 20551 (202–452–3867).

SUPPLEMENTARY INFORMATON: (1) Identifying details have been deleted to the extent required to prevent a clearly unwarranted invasion of personal privacy. The Board maintains and makes available for public inspection and copying a current index providing identifying information for the public subject to certain limitations stated in 12 CFR Part 261.6.

(2) An opportunity for public comment on an official staff interpretation may be provided upon request of interested parties and in accordance with 12 CFR Part 226.1(d)(2)(ii). As provided by 12 CFR Part 226.1(d)(3) every request for public comment shall be made in writing, should clearly identify the number of the official staff interpretation in question, should be addressed to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551 and must be postmarked or received by the Secretary's office before the effective date of the interpretation. The request must also state the reasons why an opportunity for public comment would be appropriate.

(3) Authority: 15 U.S.C. 1640(b).

§ 226.7(a)—Disclosure of proper period for minimum periodic payment in open-end credit is based on payment frequency actually *required* by creditor. [Distinguishes Public Information Letter 858]

January 2, 1980.

You ask in your . . . letter for an official staff interpretation of § 226.7(a)(8) of Regulation Z. You write on behalf of your client, a credit union, regarding the appropriate minimum periodic payment disclosure that the credit union would be required to make in the following circumstances.

The credit union offers open-end credit to its members. Payments are required on a monthly basis and are calculated as a percentage of the account balance outstanding immediately after the most recent credit advance.

Also available to credit union members are voluntary payroll deduction plans that may be cancelled by the member at any time, and, we assume, without adverse consequences. Under such a plan, the member authorizes the employer to deduct amounts from the member's pay. The amount authorized to be deducted may not in fact represent the amount of the minimum periodic payment required under the open-end credit plan (for example, some of the amount deducted may be put into a savings account). Moreover, the dates of the payroll deductions often will not even coincide with the date by which the minimum periodic payment is due. (Staff assumes for purposes of this response that any payments made on an open-end account are promptly credited in accordance with § 226.7(g).)

You are concerned about the implications of Public Information Letter 858. That letter requires that the schedule of payments disclosure in a closed-end credit transaction (see § 226.8(b)(3)) must be based on the actual repayment schedule agreed to at consummation. You note, however, that § 226.7(a)(8) requires, in an open-end credit plan, disclosure of "the minimum periodic payment *required*," whereas § 226.8(b)(3) requires, in a closed-end credit transaction, disclosure of "the number, amount, and due dates or periods of payments *scheduled* to repay the indebtedness . . ." (Emphasis added.)

We believe that, pursuant to § 226.7(a)(8), a monthly minimum periodic payment should be disclosed where the credit union *requires* only a monthly remittance and the payroll deduction plan is voluntary and may be cancelled by the member without any adverse consequences.

This is an official staff interpretation of Regulation Z, issued pursuant to § 226.1(d)(2) and limited to the facts and issues discussed herein. It will become effective 30 days after publication in the **Federal Register** unless a request for public comment, made in accordance with the Board's procedures, is received and granted. We will notify you if the effective date of the interpretation is suspended because such a request is received.

Sincerely,

Janet Hart,

Director.

§ 226.2(n)—Prohibition against including § 226.4 charges in the cash price pertains to finance charges and does not apply to charges excluded pursuant to § 226.4(b). Alternatively, such charges may be shown as § 226.8(c)(4) other charges. (Modifies Public Information Letter 623.)

§ 226.4(b)—Prohibition against including § 226.4 charges in the cash price pertains to finance charges and does not apply to charges excluded pursuant to § 226.4(b). Alternatively, such charges may be shown as § 226.8(c)(4) other charges. (Modifies Public Information Letter 623.)

§ 226.8(c)—Certificate of title, registration and inspection fees may be either included in the cash price or shown as an other charge.

January 9, 1980.

In your letter of . . . you ask about the proper disclosure under Regulation Z of certain statutory fees imposed connection with the sale of motor vehicles.

You state that your client, a seller of motor vehicles, is required by state law to collect fees for the issuance of a certificate of title and for registration and inspection of the vehicle. You have been disclosing such fees as components of the cash price, but are concerned that the exclusionary language of § 226.2(n), which prohibits including "charges of the types described in § 226.4" in the cash price, requires that you discontinue this practice.

The staff believes that the prohibition in § 226.2(n) against including charges of the types described in § 226.4 pertains to finance charges and does not apply to those charges that have been excluded from the finance charge pursuant to § 226.4(b). Since you have properly excluded the certificate of title and registration fees from the finance charge, the prohibitory language does not apply and you may include them in the cash price. Alternatively, such charges may be shown as other charges pursuant to § 226.8(c)(4). To the extent that Public Information Letter 623 is inconsistent with this position, that letter is modified. Note that whichever approach is taken, the amount financed will include the fees.

The inspection fee, however, is not among the § 226.4(b) charges that must be itemized to be excluded from the finance charge. Therefore, as long as it is not "imposed directly or indirectly by the creditor as an incident to or as a condition of the extension of credit," it is not a finance charge and may either be included in the cash price as a "service[s] related to the sale" of the property pursuant to § 226.2(n), or shown as an other charge.

This is an official staff interpretation of Regulation Z, issued in accordance with § 226.1(d)(2) and limited to the facts and issues discussed herein. It will become effective 30 days after publication in the **Federal Register** unless a request for public comment, made in accordance with the Board's procedures, is received and granted. We will notify you if the effective date of the interpretation is suspended because such a request is received.

Sincerely,

Nathaniel E. Butler,

Associate Director, Board of Governors of the Federal Reserve System.

January 15, 1980.

Griffith L. Garwood,

Deputy Secretary of the Board.

[FR Doc. 80-1874 Filed 1-18-80; 8:45 am]

BILLING CODE 6210-01-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Parts 25 and 121

[Docket No. 16854; Amdts. Nos. 25-50 and 121-154]

Airplane Cabin Ozone Contamination

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This rule establishes specific airplane cabin ozone concentration standards for the issuance of type certificates for transport category airplanes. Cabin ozone standards are also adopted for the operation of large transport category airplanes by air carriers and commercial operators. The circumstances which created the need for this action where complaints of crewmembers and passengers of physical discomfort, due to ozone gas, on high-altitude flights. This action is intended to alleviate problems due to high-altitude ozone by placing limitations on acceptable levels of cabin ozone concentrations.

EFFECTIVE DATE: February 20, 1980.

FOR FURTHER INFORMATION CONTACT: Raymond E. Ramakis, Regulatory Projects Branch (AVS-24), Safety Regulations Staff, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591; telephone (202) 755-8716.

SUPPLEMENTARY INFORMATION:

History

This final rule is based on Notice of Proposed Rule Making (NPRM) No. 78-15, published in the **Federal Register** on October 5, 1978 (43 FR 46034). All interested persons have been given an opportunity to participate in the making of the rule, and due consideration has been given to all matters presented. As a result of comments received and further consideration by the FAA, the following changes have been made to the rule as proposed:

1. Each ozone concentration is stated in parts per million by volume (ppmv)

and expressed as a sea level equivalent, i.e., the ratio of ozone to air that would exist at 760 millimeters of mercury pressure and 25° C.

2. Under Part 121, a maximum average ozone concentration is imposed only on flight segments of more than 4 hours, instead of more than 3 hours, as proposed.

3. The time for compliance by Part 121 certificate holders has been extended from 6 months to 12 months, with provision for further extension of the compliance date if noncompliance is shown to be beyond the certificate holder's control.

Discussion of the Rule

Background

Notice 78–15 proposed to amend Part 25 by adding cabin ozone concentration standards for the issuance of type certificates for transport category airplanes, and to amend Part 121 to adopt cabin ozone standards for the operation of large transport category aircraft by air carriers. The NPRM sets forth the extensive background supporting its issuance, including studies by the National Aeronautics and Space Administration and the Environmental Protection Agency, as well as responses to the FAA's Advance Notice of Proposed Rule Making No. 77–22 (42 FR 54427; October 6, 1977).

The proposed maximum ozone exposure levels were also supported by U.S. Department of Transportation Report No. FAA–AEQ–77–13 (ADA–046956), Ozone Concentration by Latitude, Altitude, and Month, Near 80° W, and Report No. FAA–EQ–78–03 (ADA–050988), Guidelines for Flight Planning During Periods of High Ozone Occurrence. These reports may be obtained from the National Technical Information Service, 5285 Port Royal Road, Springfield, VA 22151.

In addition, the FAA Civil Aeromedical Institute recently conducted research in which it studied ozone effects on 83 men and women in an altitude chamber at 6000 feet with a relative humidity of 10–12% and a temperature of 68–74° F (20–23° C). No significant effects attributable to ozone were demonstrated for exercising subjects at an ozone concentration of 0.20 ppmv, sea level equivalent, for 4 hours. However, all exercising subjects at 0.3 ppmv, sea level equivalent, ozone showed some effects on the respiratory system. The most common symptom was coughing, and the most prominent physical effect was restriction of air flow in the bronchioles. The study demonstrated that the threshold for ozone tolerance, expressed as a sea level equivalent, lies between 0.2 and 0.3 ppmv, and the exercise may be an aggravating factor in ozone toxicity, since sedentary subjects were unaffected by an ozone concentration of 0.3 ppmv.

A number of methods to control ozone exposure have been examined, including various filtration and converter systems, disassociation of ozone by use of heat, monitoring of ozone levels with meters, the development of ozone forecasting methods, and avoidance of areas of high ozone concentration. Since each of these methods has certain beneficial aspects, and further technological developments are possible, the FAA does not favor any method over another. However, the method of compliance chosen by a certificate holder must be shown to be effective, and the FAA intends to conduct spot checks to ensure compliance with the standards adopted by these amendments.

Favorable Comments

The FAA received comments in response to Notice 78–15 from 266 individuals, airline organizations, labor organizations, research firms, manufacturers, universities, and physicians. Approximately 234 comments were received from individual flight attendants, a majority of which agreed with the one received from the Independent Union of Flight Attendants. All flight attendant comments attested to the adverse physical effects of ozone during and after flight. Shortness of breath, sore throat, bleeding nose, chest pain, fatigue, itching eyes, etc., were commonly cited physical results of ozone contamination and exposure. All flight attendants submitting comments urged that some method be found to alleviate ozone effects. Comments frequently contained information indicating the highest incidence of ozone irritation during flights for long durations at high altitudes.

Of the remaining 32 comments, 20 were in favor of the rule, 10 were opposed, and 2 provided information or made proposals that were outside the scope of the notice.

Included among the 20 additional commenters expressing favor were professional organizations representing flight crewmembers, governmental agencies with direct knowledge of ozone contamination, manufacturers engaged in the development of filters or converters designed to control cabin ozone levels, researchers familiar with the physiological effects of various ozone exposure levels, faculty scientists of two universities, and physicians.

Ozone Concentration

Some commenters expressed confusion as to what was meant by the proposed cabin ozone concentrations. The ratios proposed were those that would be expected at the air pressure which is normally maintained in the passenger cabins of the affected aircraft (the air pressure at about 6,000 feet). However, since most ratios of this kind, including those adopted by the Occupational Safety and Health Administration (OSHA) are expressed as sea level equivalents, the ratios in this final rule have been expressed at standard sea level pressure of 760 millimeters of mercury at 25° C.

Since there is more air in a given volume at sea level, the proposed 0.3 ppmv limit converts to 0.25 as a ppmv, sea level equivalent. With this conversion, the proposed time-weighted average of 0.1 ppmv would be reduced to 0.08 ppmv, sea level equivalent. However, it was the intent of the FAA that this average be as consistent as possible with that adopted by OSHA which is an average of 0.1 ppmv on a sea level equivalent scale. Accordingly, the time-weighted average adopted by this final rule is 0.1 ppmv, sea level equivalent.

Flight Segment

Notice 78–15 proposed to impose a time-weighted average ozone concentration of 0.1 ppmv on Part 121 certificate holders for flight segments that exceed 3 hours. As explained in the notice, only about 2 of these 3 hours of scheduled flight time would be above flight level 180. This is based on conservative times for start, taxi, takeoff, climb, descent, approach, and landing. Imposition of a time-weighted average for flights of shorter duration was considered unnecessary, since these flights would have to comply with the basic 0.3 ppmv limit to be imposed on all flights, and, therefore, could not exceed the amount of ozone exposure (i.e. dose) allowed by the OSHA time-weighted average of 0.1 ppmv which is based on an 8-hour period.

Conversion of the proposed limit from 0.3 ppmv to sea level equivalent results in a new limit of 0.25 ppmv. Virtually all of the medical data reviewed by the FAA indicate that below this level short-term exposures have no significant adverse effects, while a higher limit would be expected to result in some adverse effects. In view of this conversion to 0.25 ppmv, the FAA has concluded that the rule should be based on flight segments of 4 or more hours, since operation above flight level 180 for up to 3 hours, instead of 2 hours, could

still not exceed the amount of exposure (i.e. dose) allowed by OSHA. In fact, use of the proposed 3-hour flight segment in the final rule would have resulted in a stricter dose standard than that used by OSHA, as well as that adopted in new § 25.832. A stricter standard is unnecessary, since the FAA has received no complaints of ozone contamination from occupants of short-range domestic flights, and its 1978 and 1979 ozone monitoring programs have indicated only minimal ozone contamination on these flights. This revision in the final rule will avoid putting ozone reduction equipment on a large number of short-range airplanes for which no complaints have been received.

For these reasons, the minimum flight segment proposed has been extended to 4 hours. Flights scheduled for longer than this time must not exceed 0.1 ppmv average ozone concentration over the entire flight segment.

Statistical Confidence Level

Two commenters recommended that the proposed 84% confidence level required for statistics used by Part 121 certificate holders to demonstrate compliance with the ozone limits imposed by the rule be raised to 95%. However, the FAA believes that 84%, which represents one standard deviation, establishes a practical level of statistical confidence. It should be noted that the statistical confidence level only pertains to the required validity of the statistical proof of the certificate holder's ability to comply, and does not indicate a number of flights during which the ozone concentration may exceed the limit. This requirement of statistical reliability has been expressly stated in the final rule.

Ozone Sensors

The mandatory use of onboard ozone sensors was recommended by a number of commenters. However, the FAA has determined that current technology is available to effectively control cabin ozone levels without the added requirement that flight crewmembers monitor ozone levels. Manufacturers and research organizations providing responses to the notice indicate that effective mechanical or electronic devices have been developed and are producing acceptable test results. The FAA knows of four manufacturers currently conducting airborne tests of control devices, and anticipates that competitive development will produce satisfactory control devices that will be proven by use of scientific test instruments. These amendments require a showing that any device proposed for use in compliance with these regulations function as intended, and the FAA will conduct spot checks to ensure their effectiveness.

Passenger Warning

Two commenters recommended that passengers be warned about the physical effects of ozone exposure. However, the FAA has determined that a warning is unnecessary, since exposure to ozone levels at or below the levels set forth in these regulations will not result in noticeable discomfort to most passengers and crewmembers. Those persons with special respiratory conditions, who may be sensitive to very low levels of ozone, can reasonably be expected to have been advised by their physicians of problems that may be encountered in high-altitude flight.

Opposing Comments

Comments objecting to the proposed rule included U.S. and foreign air carriers, airline organizations and associations, a major industrial corporation, and two physicians.

The commenters considered the proposed rule to be premature, stating that not enough information has been gathered concerning acceptable levels of ozone; that there is a lack of dependable methods to predict ozone levels on a flight-by-flight basis; that ozone attenuation factors are unknown for aircraft other than the Boeing 747; and that a compliance period of 6 months is inadequate because catalytic converter technology is not sufficiently advanced.

Ozone Research

These commenters were generally of the opinion that research on ozone exposure levels is incomplete and that control methods should not be required until physiological and technological studies in progress have been completed. However, a large number of government and industry research studies have been conducted to determine the deleterious effects of ozone exposure. All known studies have been thoroughly reviewed, and the FAA notes that with rare exception these studies are compatible with the findings of its own study conducted by the Civil Aeromedical Institute. For that reason, the FAA considers the maximum ozone exposure levels set forth in these regulations to be necessary.

FAA expects that ongoing research into the physiological effects of ozone and effective methods for its control will continue to provide a greater understanding of its effects on persons and will increasingly provide more efficient methods to eliminate excessive ozone quantities. Nevertheless, current technology is adequate to eliminate excessive levels of ozone in aircraft cabins. The FAA has determined that the available filters and catalytic converters can be installed on all affected aircraft types, and as improved filtration devices are available, they can be installed with little or no further aircraft modification.

Compliance Period

In response to recommendations that the compliance period in Part 121 be extended, that period has been changed to 12 months in the final rule. The longer period will still result in compliance prior to the 1981 ozone season, but will allow further time for compliance during the summer and fall of 1980, when the concentration of atmospheric ozone is lower.

In addition the new Part 121 requirement allows a certificate holder to obtain an authorization to deviate from these requirements by an amendment to its operations specifications, if it shows that due to circumstances beyond its control or to unreasonable economic burden it cannot comply for a specified period of time, and submits a plan acceptable to the Administrator to effect compliance to the extent possible. A deviation will be authorized in circumstances such as equipment delivery delays or short-term use of aircraft, when the certificate holder shows that through flight planning or other means it will attempt to avoid areas of high ozone concentration.

Economic Costs

Notice 75–15 solicited comments from all interested parties on the economic effect of the proposed amendments. While the FAA did not receive detailed cost information from commenters, sufficient information does exist to estimate the possible economic cost for the aircraft operated by Part 121 certificate holders that are likely to be affected by this amendment.

The aircraft most susceptible to high concentrations of ozone are those capable of operation for extended periods in over-the-pole flights and in the higher latitudes. At present, these aircraft include the B–747, B–707, DC–8, DC–10, and L–1011 aircraft. The FAA estimates that there are approximately 780 of these aircraft now being operated by Part 121 certificate holders. About 500 of these are used in operations in the high latitudes, and may need mechanical modification to effectively control cabin ozone levels. Although no detailed cost estimates were supplied by air carriers to the FAA from modification of aircraft by type, cost information supplied by

two manufacturing sources indicates that the unit price for a single catalytic converter will be between $3,500 and $7,000. The FAA estimates that installation costs for each converter will run from $1,000 to $1,350 per unit. Each aircraft involved is expected to need from two to three filters, depending on the design of the pressurization distribution system. Each converter is expected to remain in service more than 3 years.

If all 500 aircraft are modified, the range of procurement cost for initial installation of catalytic converters would be between $5.2 million and $10.5 million. Since 1 year is being allowed for compliance, it is expected that installation will occur during regular aircraft maintenance, and the total cost of installation is expected to be about $2.0 million.

Editorial Changes

Proposed § 121.578 has been adopted as § 121.220 to include it as a special airworthiness requirement under Subpart J of Part 121.

Sections 25.832(c) and 121.220(d) have been changed to clarify what must be done to show compliance with the standards imposed by those sections.

The Amendment

Accordingly, Parts 25 and 121 of the Federal Aviation Regulations (14 CFR Parts 25 and 121) are amended, effective February 20, 1980, as follows:

PART 25—AIRWORTHINESS STANDARDS: TRANSPORT CATEGORY AIRPLANES

1. By the addition of a new § 25.832 to Part 25 to read as follows:

§ 25.832 Cabin ozone concentration.

(a) The airplane cabin ozone concentration during flight above flight level 180 must be shown not to exceed—

(1) 0.25 parts per million by volume, sea level equivalent, at any point in time; and

(2) 0.1 parts per million by volume, sea level equivalent, time-weighted average during any 3-hour interval;

(b) For the purpose of this section, "sea level equivalent" refers to conditions of 25° C and 760 millimeters of mercury pressure.

(c) Compliance with this section must be shown by analysis or tests based on airplane operational procedures and performance limitations, that demonstrate that either—

(1) The airplane cannot be operated at an altitude which would result in cabin ozone concentrations exceeding the limits prescribed by paragraph (a) of this section; or

(2) The airplane ventilation system, including any ozone control equipment, will maintain cabin ozone concentrations at or below the limits prescribed by paragraph (a) of this section.

PART 121—CERTIFICATION AND OPERATIONS: DOMESTIC, FLAG, SUPPLEMENTAL AIR CARRIERS AND COMMERCIAL OPERATORS OF LARGE AIRCRAFT

2. By the addition of a new § 121.220 to Part 121 to read as follows:

§ 121.220 Cabin ozone concentration.

(a) For the purpose of this section, the following definitions apply:

(1) "Flight segment" means scheduled nonstop flight time between two airports.

(2) "Sea level equivalent" refers to conditions of 25° C and 760 millimeters of mercury pressure.

(b) Except as provided in paragraph (d) of this section, after February 20, 1981, no certificate holder may operate a transport category airplane above flight level 180 unless it has successfully demonstrated to the Administrator that the concentration of ozone inside the cabin will not exceed—

(1) 0.25 parts per million by volume, sea level equivalent, at any point in time; and

(2) For each flight segment that exceeds 4 hours, 0.1 parts per million by volume, sea level equivalent, time-weighted average over that flight segment.

(c) Compliance with this section must be shown by analysis or tests, based on either airplane operational procedures and performance limitations or the certificate holder's operations. The analysis or tests must show either of the following:

(1) Atmospheric ozone statistics indicate, with a statistical confidence of at least 84%, that at the altitudes and locations at which the airplane will be operated cabin ozone concentrations will not exceed the limits prescribed by paragraph (b) of this section.

(2) The airplane ventilation system, including any ozone control equipment, will maintain cabin ozone concentrations at or below the limits prescribed by paragraph (b) of this section.

(d) A certificate holder may obtain an authorization to deviate from the requirements of paragraph (b) of this section, by an amendment to its operations specifications, if—

(1) It shows that due to circumstances beyond its control or to unreasonable economic burden it cannot comply for a specified period of time; and

(2) It has submitted a plan acceptable to the Administrator to effect compliance to the extent possible.

(Secs. 313, 601, 603, 604, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354, 1421, 1423, 1424); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)))

Note.—The FAA has determined that this document involves a proposed regulation which is significant under Executive Order 12044 as implemented by DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). A copy of the final regulatory evaluation prepared for this action is contained in the regulatory docket. A copy of it may be obtained by contacting the person identified above under the caption "FOR FURTHER INFORMATION CONTACT:".

Issued in Washington, D.C., on January 15, 1980.

Langhorne Bond,

Administrator.

[FR Doc. 80-1825 Filed 1-18-80; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 39

[Docket No. 79-EA-55; Amdt. 39-3671]

AVCO Lycoming; Airworthiness Directives

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment issues a new airworthiness directive applicable to AVCO Lycoming type aircraft engines which requires an alteration of the turbocharger oil drain flange P/N LW-14391 by replacement with P/N LW-16036. Failure of the flange could result in loss of engine oil and ultimate engine failure.

EFFECTIVE DATE: January 22, 1980. Compliance is required as set forth in the AD.

ADDRESSES: AVCO Lycoming Service Bulletins may be acquired from the manufacturer at Williamsport, Pennsylvania 17701.

FOR FURTHER INFORMATION CONTACT: E. Manzi, Propulsion Section, AEA-214, Engineering and Manufacturing Branch, Federal Building, J.F.K. International Airport, Jamaica, New York 11430; Tel. 212-995-2894.

SUPPLEMENTARY INFORMATION: There had been reports of failures of the oil drain tube and flange assemblies. The manufacturer has designed and installed a steel oil drain flange P/N LW-16036 as a replacement for the aluminum flange. In view of the air safety problem, notice and public procedure hereon are

impractical, and the amendment may be made effective in less than 30 days.

Adoption of the Amendment

Accordingly, and pursuant to the authority delegated to me by the Administrator, § 39.13 of the Federal Aviation Regulations (14 CFR 39.13) is amended by issuing a new airworthiness directive, as follows:

AVCO Lycoming: Applies to TO–360–C1A6D series engines serial numbers L–101–69A through L–264–69A except L–200–69A, L–246–69A and L–254–69A and all TO–360–C1A6D series engines overhauled (also known as remanufactured) by Lycoming prior to May 4, 1977.

Compliance required within the next 50 hours in service after the effective date of this AD, unless already accomplished.

To prevent possible loss of engine oil due to the failure of turbocharger oil drain flange P/N LW–14391, replace the turbocharger oil drain flange with oil drain flange P/N LW–16036 in accordance with AVCO Lycoming Service Bulletin No. 426 or FAA-approved equivalent.

Equivalent methods of compliance must be approved by the Chief, Engineering and Manufacturing Branch, Federal Aviation Administration Eastern Region.

Upon submission of substantiating data by an owner or operator through an FAA Maintenance Inspector, the Chief, Engineering and Manufacturing Branch, FAA Eastern Region may adjust the compliance time specified in this AD.

Effective Date: This amendment is effective January 22, 1980.

(Sec. 313(a), 601, and 603, Federal Aviation Act of 1958, as amended, 49 U.S.C. 1354(a), 1421, and 1423; Sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c); and 14 CFR 11.89.)

Issued in Jamaica, New York, on January 8, 1980.

Murray E. Smith,

Director, Eastern Region.

[FR Doc. 80–1613 Filed 1–18–80; 8:45 am]

BILLING CODE 4910–13–M

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14 CFR Part 39

[Docket No. 79–EA–52; Amdt. 39–3672]

DeHavilland; Airworthiness Directives

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment issues a new airworthiness directive, applicable to DeHavilland DHC–7 type airplanes, which requires an inspection of the main landing gear frame bolts for correct torque and replacement where necessary. This amendment is necessary because of reports of looseness in the bolts which could result in structural failure.

EFFECTIVE DATE:. January 24, 1980. Compliance is required as set forth in the AD.

ADDRESSES: DeHavilland Service Bulletins may be acquired from the manufacturer at Downsview, Ontario, Canada M3K 145.

FOR FURTHER INFORMATION CONTACT: C. Birkenholz, Airframe Section, AEA–212, Engineering and Manufacturing Branch, Federal Building, J.F.K. International Airport, Jamaica, New York 11430; Tel. 212–995–2875.

SUPPLEMENTARY INFORMATION: In view of the continuing air safety problem, notice and public procedure hereon are impractical, and the amendment may be made effective in less than 30 days.

Adoption of the Amendment

Accordingly, and pursuant to the authority delegated to me by the Administrator, § 39.13 of the Federal Aviation Regulations (14 CFR 39.13) is amended, by issuing a new airworthiness directive, as follows:

DeHavilland: Applies to DHC–7 airplanes, S/N 1 through 13 inclusive, certificated in all categories.

Compliance required as indicated, unless already accomplished.

To prevent possible landing gear support structure failure due to looseness of the main landing gear frame attachment bolts, accomplish the following:

1. Within the next 25 hours in service after the effective date of this AD, unless previously accomplished within the last 295 hours in service, inspect the main landing gear frame bolts, P/N MS21250H10042, for evidence of improper torque.

2. If evidence of improper torque is found at any bolt location,

a. cut an access hole at all four bolt locations as detailed in DeHavilland Service Bulletin No. 7–54–4, ACCOMPLISHMENT INSTRUCTIONS, Page 2, paragraphs 1 and 2. Retorque all bolts to 1400–1650 inch-pounds and cover the access holes with snap hole plug P/N CSP80–20 or equivalent. Mark the end of the bolt, nut and adjacent structure with a red line. Visually inspect the red marking at each location for signs of movement at intervals not to exceed 320 hours in service from last inspection until the modification in paragraph 2.b. is accomplished, or

b. incorporate DeHavilland modification (Ref. S/B 7–54–4).

3. For bolts that are found to be properly torqued, mark and inspect bolts as above in paragraph 2.a. until the modification is accomplished.

4. Incorporate DeHavilland modification in accordance with S/B No. 7–54–4, ACCOMPLISHMENT INSTRUCTIONS, or equivalent within 1900 hours in service from the initial inspection in paragraph 1.

5. Equivalent parts and modification must be approved by the Chief, Engineering and Manufacturing Branch, FAA, Eastern Region.

EFFECTIVE DATE: This amendment is effective January 24, 1980.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958, as amended, 49 U.S.C. 1354(a), 1421, and 1423; Sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c); and 14 CFR 11.89.)

Issued in Jamaica, New York, on January 10, 1980.

Lonnie D. Parrish,

Acting Director, Eastern Region.

[FR Doc. 80–1614 Filed 1–18–80; 8:45 am]

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14 CFR Part 39

[Airworthiness Docket No. 79–ASW–51; Amdt. 39–3670]

Mooney M20K Airplanes; Airworthiness Directives

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD) which requires reinforcement of the fuselage tubular structure with a clamped split-sleeve on Mooney M20K airplanes. The AD is needed to prevent failure of the fuselage tubular structure which could result in loss of the airplane. This AD is being issued because of failures of the fuselage tubular structure of the M20K airplane during static testing.

DATES: Effective—February 1, 1980. Compliance required within the next 90 days after the effective date of this AD, unless already accomplished.

ADDRESSES: The applicable service bulletins may be obtained from the Service Manager, Mooney Aircraft Corporation, P.O. Box 72, Kerrville, Texas 78028.

A copy of the service bulletin is contained in the Rules Docket of the Regional Counsel, Southwest Region, FAA, 4400 Blue Mound Road, Fort Worth, Texas 76101.

FOR FURTHER INFORMATION CONTACT: Michele M. Owsley, Airframe Section, Engineering and Manufacturing Branch, ASW–212, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Texas, telephone number (817) 624–4911, extension 516.

SUPPLEMENTARY INFORMATION: A proposal to amend Part 39 of the Federal Aviation Regulations to include an airworthiness directive requiring reinforcement of the fuselage tubular structure of Mooney M20K airplanes was published in the **Federal Register** at 43 FR 62907. The proposal was prompted by FAA's determination that the fuselage tubular structure on Mooney